

**3745-273-81            Factors that the director will evaluate regarding petitions to include other wastes under Chapter 3745-273 of the Administrative Code.**

- (A) The waste or category of waste, as generated by a wide variety of generators, is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code, or, if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code. [When a characteristic waste is added to Chapter 3745-273 of the Administrative Code by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in rules 3745-50-10 and 3745-273-09 of the Administrative Code will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries)]. Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to Chapter 3745-273 of the Administrative Code.
- (B) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);
- (C) The waste or category of waste is generated by a large number of generators (e.g., more than one thousand nationally) and is frequently generated in relatively small quantities by each generator;
- (D) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;
- (E) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to rules 3745-273-13, 3745-273-33, and 3745-273-52 of the Administrative Code; and/or applicable department of transportation requirements in 49 CFR Parts 100 to 185) would be protective of human health and the environment during accumulation and transport;
- (F) Regulation of the waste or category of waste under Chapter 3745-273 of the Administrative Code will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal which are in compliance with Chapter 3734. of the Revised Code.
- (G) Regulation of the waste or category of waste under Chapter 3745-273 of the Administrative Code will improve implementation of and compliance with the hazardous waste regulatory program; and/or

(H) Such other factors as may be appropriate.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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